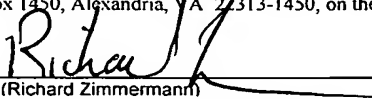


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV233435751US, in an envelope addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 25, 2004

Signature:


(Richard Zimmermann)

Docket No.: 30471/36574A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

HARR et al.

Application No.: Not Yet Assigned
(Divisional of 09/09/600,148)

Group Art Unit: Not Yet Assigned

Filed: **February 25, 2004**

Examiner: Not Yet Assigned

For: **SCREENING METHOD FOR
APOPTOSIS AND NECROSIS**

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Those patents or publications which are identified in the attached form PTO/SB/08 are not supplied because they were previously cited by or submitted to the Office in a prior Application No. 09/600,148 and relied upon in this application for an earlier filing date under 35 U.S.C. 120.

A concise explanation of relevance of the items listed on form PTO/SB/08 is:

☒ [X] not given

☐ [] given for each listed item

☐ [] given for only non-English language listed items

☐ [] in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references

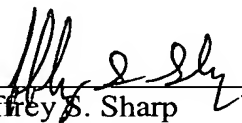
While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

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February 25, 2004

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not Yet Assigned
				Filing Date	February 25, 2004
				First Named Inventor	HARR et al.
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	30471/36574A

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A01	5,945,291	11-1997	Bolton et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	B01	EP 0 806 668 A2	11-12-1997			
	B02	WO 95/27903	10-19-1995			
	B03	WO 97/11094	03-27-1997			
	B04	WO 97/14812	04-24-1997			

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C01	Cormack et al., "FACS-optimized mutants of the green fluorescent protein (GFP)," <i>Gene</i> , 173(1):33-38 (1996)	
	C02	Lamm et al., "A rapid, quantitative and inexpensive method for detecting apoptosis by flow cytometry in transiently transfected cells," <i>Nucleic Acid Research</i> , 25(23):4855-4857 (1997)	
	C03	Li et al., "Use of Green Fluorescent Protein in Studies of Apoptosis of Transfected Cells," <i>BioTechniques</i> , 23(6):1026-1029 (1997).	
	C04	International Preliminary Examination Report corresponding to International Patent Application Serial No. PCT/IB99/00030, dated 19.04.2000, European Patent Office, 12 pages.	
	C05	International Search Report corresponding to International Patent Application Serial No. PCT/IB99/00030, dated 09/03/1999, European Patent Office, 3 pages.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.